

On July 7, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15255. Adulteration of cherries. U. S. v. 900 Cases of Cherries. Consent decree of condemnation entered. Product released under bond.** (F. & D. No. 21536. I. S. No. 4751-x. S. No. C-5105.)

On January 17, 1927, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 900 cases of canned cherries, remaining in the original unbroken packages at St. Louis, Mo., consigned by B. E. Winchell, Penn Yan, N. Y., alleging that the article had been shipped in interstate commerce from the State of New York into the State of Missouri, on or about September 4, 1926, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Pride of Egypt Brand \* \* \* Red Sour Pitted Cherries Guaranteed and Distributed by Egypt Canning Co. Inc., Fairport, N. Y."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 3, 1927, the Yates County Canning Co., Penn Yan, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reshipped to Penn Yan, N. Y., and salvaged under the supervision of this department, upon the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

**15256. Adulteration of oranges. U. S. v. 330 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 21807. I. S. No. 16589-x. S. No. E-6049.)

On March 22, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 330 boxes of oranges at Wilkes-Barre, Pa., alleging that the article had been shipped by Geo. C. Guthrie, So. Lake Weir, Fla., on or about March 15, 1927, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On June 6, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15257. Adulteration and misbranding of butter. U. S. v. 900 Pounds of Butter. Consent decree of condemnation entered. Product released under bond.** (F. & D. No. 21945. I. S. No. 4692-x. S. No. C-5473.)

On May 18, 1927, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 900 pounds of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Terry Dairy Co., Little Rock, Ark., on or about May 7, 1927, and transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (carton) "Red Rose Brand Butter Manufactured by Terry Dairy Co. Little Rock, Ark. \* \* \* Quarters \* \* \* 16 Ounces."

It was alleged in substance in the libel that the article was adulterated, in that it contained less than 80 per cent of butterfat, the percentage of butterfat prescribed for butter by the act of March 4, 1923, which the said article purported to contain.

Misbranding was alleged for the reason that the statement "16 Ounces," borne on the label, was false and misleading and deceived and misled the purchaser, since the carton contained less than 16 ounces of butter.

On June 1, 1927, the Terry Dairy Co., Little Rock, Ark., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to the said claimant to be reworked to conform to the weight and butterfat content required by law, upon the execution of a bond in the sum of \$1,000, and payment of the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

**15258. Adulteration of canned blackberries. U. S. v. 17½ Cases of Canned Blackberries. Default order of destruction entered. (F. & D. No. 21247. I. S. No. 811-x. S. No. W-2003.)**

On August 23, 1926, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17½ cases of canned blackberries, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Kelley Packing Co., Chehalis, Wash., on or about September 10, 1925, and transported from the State of Washington into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Kelley's Perfek-Pak \* \* \* Blackberries \* \* \* Kelley Packing Co., Chehalis, Wash."

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a decomposed or putrid vegetable substance.

On October 30, 1926, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15259. Adulteration of canned blackberries. U. S. v. 120 Cases and 117 Cases of Canned Blackberries. Default decrees of destruction entered. (F. & D. Nos. 21165, 21225. I. S. Nos. 484-x, 810-x, 9584-x. S. Nos. W-1995, W-2000.)**

On July 27, and August 12, 1926, respectively, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 237 cases of canned blackberries, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Pacific American Fisheries, from Seattle, Wash., in part on or about April 12, 1926, and in part on or about April 16, 1926, and transported from the State of Washington into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Perfek-Pak Blackberries Kelley Packing Co., Chehalis, Washington."

It was alleged in the libels that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On October 30, 1926, no claimant having appeared for the property, decrees of the court were entered adjudging the product adulterated and ordering its destruction by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15260. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21967. I. S. No. 17309-x. S. No. W-2163.)**

On or about June 14, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Idaho Creamery Co., Rupert, Idaho, May 25, 1927, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On June 27, 1927, the Idaho Creamery Co., and W. A. Snapp, Rupert, Idaho, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claim-